

REMARKS/ARGUMENTS

In their Request for Reconsideration filed January 31, 2007, Applicants demonstrated that no *prima facie* case of obviousness has been set forth. For at least this reason Applicants respectfully submit that the pending rejections under 35 U.S.C. § 103 should be reconsidered and withdrawn.

However, even assuming that a *prima facie* case of obviousness has been set forth – which is not the case –, Applicants respectfully submit that sufficient evidence of unexpected and surprising properties associated with the claimed invention exists to rebut any such hypothetical *prima facie* case of obviousness. For this reason as well the § 103 rejections should be reconsidered and withdrawn.

More specifically, submitted concurrently herewith is a Rule 132 declaration demonstrating the unexpected and surprising properties of the invention compositions. In the Rule 132 declaration, three virtually identical compositions were prepared. The Invention Composition contained two cationic polymers, whereas the comparative compositions contained only a single cationic polymer. (Rule 132 declaration, par. 3).

The Invention Composition was compared directly with both Comparative Composition A and Comparative Composition B: these direct comparisons were accomplished by (a) washing the hair of six testers; (b) treating ½ of the head of each tester with the Invention Composition and the other ½ of the head with the Comparative Composition being tested (approximately 6 g of each composition was applied to the appropriate half of the head); (c) leaving the compositions on the hair for 5 minutes; and (d) rinsing the compositions out of the hair with water. (Rule 132 declaration, par. 4).

After step (b), the texture of the compositions was noted. Specifically, the compositions were judged on their feeling of smoothness or on the melting sensation: the greater this feeling, the easier it was to apply the composition to the hair. (Rule 132 declaration, par. 5). After step (d), the suppleness of the hair was determined. (Rule 132 declaration, par. 6).

The results of these direct comparisons were as follows.

Characteristic	Invention Composition	Comparative Composition A
Composition Texture ("melting feeling") (average of the six testers)	2.2	1.9
Hair Suppleness (average of the six testers)	3.3	2.9

Characteristic	Invention Composition	Comparative Composition B
Composition Texture ("melting feeling") (average of the six testers)	2.4	2.0
Hair Suppleness (average of the six testers)	2.8	2.6

(Rule 132 declaration, par. 7). As demonstrated by these results, the Invention Composition containing two cationic polymers possessed improved texture properties as well as provided hair with improved suppleness as compared to compositions containing either of the cationic polymers individually: the Invention Composition possessed better application properties to hair than the Comparative Compositions (for example, it had a more pleasant feeling upon application to hair than the Comparative Compositions and spread more homogeneously than the Comparative Compositions), and provided the hair with better cosmetic properties

(suppleness). (Rule 132 declaration, par. 8).

This vast difference in properties between the Invention Composition and the Comparative Compositions was surprising and unexpected given the similarity of the compositions. (Rule 132 declaration, par. 8). What's more, the improved properties obtained with the Invention Composition are representative of the present invention. (Rule 132 declaration, par. 9). That is, it would be expected that compositions containing water, at least one silicone containing quaternary ammonium groups, at least one cationic surfactant, at least two different cationic polymers, and at least one nonionic and nonassociative thickening polymer, would possess improved cosmetic properties like those of the exemplified Invention Composition. (Rule 132 declaration, par. 9).

The difference in cosmetic properties between the Invention Composition and the Comparative Compositions demonstrates the surprising and unexpected benefit derived from having at least two cationic polymers in the Invention Compositions. (Rule 132 declaration, par. 10). Moreover, the improved cosmetic properties associated with the invention compositions are commercially significant: pleasant, easily-applied compositions are more commercially viable than unpleasant, less effective compositions. (Rule 132 declaration, par. 11).

Thus, as demonstrated by the Rule 132 declaration, the claimed invention possesses improved properties which were not taught in, suggested by or expected from the cited art, and these properties result in a significantly improved commercial product. Applicants respectfully submit that such evidence is sufficient to rebut any hypothetical *prima facie* case of obviousness which may exist.

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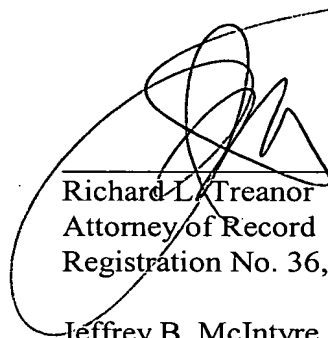
Supplemental Response to Office Action dated October 31, 2006

For all of the above reasons as well as all of the reasons set forth in the January 31, 2007, Request for Reconsideration, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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